PART III—Section 2

NOTIFICATIONS BY THE HEADS OF DEPARTMENTS

JUDICIAL DEPARTMENT

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Criminal Side.

Rule of Practice No. 95, dated 20th September 1937.

Under Section 554 (1) (b) of the Code of Criminal Procedure and with the previous sanction of the Government, the High Court directs that the following form be substituted for Form No. 6 (Criminal), printed on page 55 of the Criminal Rules of Practice and Circular Orders, Vol. II, 1935 :—

Summons to a witness.

Sections 68 and 252, Criminal Procedure Code.

Form No. 6, Crl.

IN THE COURT OF.....

To

Whereas complaint has been made before me that .....
.....of .....has (or is suspected to have) committed the
offence of .....the prosecution.....
defence.

You are hereby required personally to appear before this Court on the .....
day.....19 at .....o'clock in the forenoon to testify what you know concerning the matter of the said complaint and to bring with you the undermentioned documents now in your custody and not to depart thence without leave of the Court and you are hereby warned that if you shall without just excuse neglect or refuse to appear and to produce the said documents on the said date, a warrant will be issued to compel your attendance.

or

You are hereby required to produce or cause the production of the undermentioned documents now in your custody before this Court on the .....
day .....19 at.....o'clock in the forenoon, and you are hereby warned that if you shall without just excuse neglect or refuse to produce or cause the production of the said documents on the said date, or to explain to the satisfaction of the Court the reason for the non-production of documents a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court this.....day of 19

Magistrate.

NOTE 1.—If you are summoned only to produce a document and not to give evidence you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on day and hour aforesaid.

2.*—Travelling allowance will be paid in accordance with the rules.

N.B.—Whenever this form is used to summon a witness residing outside the State the penal provision about the issue of a warrant referred to above should be deleted.

*This note should be used in the case of witnesses coming from outside the Mysore State.

Notification No. R. Dis. 6 of 37-38, dated 22nd September 1937.

Under the provisions of Part X of the Code of Civil Procedure, 1911, and with the previous sanction of the Government of His Highness the Maharaja of Mysore, the High Court hereby makes the following addition of a new order as Order "XXXVII A—Interlocutory applications" to Schedule I of the said Code and alteration of the title and removal of sub-title of Order XXXIX.

I. Add the following rules as a new Order as "Order XXXVII A—Interlocutory Applications."

ORDER XXXVII A.

INTERLOCUTORY APPLICATIONS.

(1) *Interlocutory application.*—"Interlocutory application" means an application to a Court in any suit, appeal or proceeding already instituted in such Court other than a proceeding for execution of a decree or order.

(2) *Form of interlocutory application.*—Every interlocutory application shall be in writing duly stamped and shall be headed with the cause-title of the suit, appeal or other proceeding to which it relates.

(3) Every interlocutory application shall be moved in Court either when the Judge first sits for the day or, if the Judge so orders, at the beginning of the afternoon sitting, and except with the permission of the Judge no such application shall be moved until the expiry of seven days from the day on which notice of the application has been served as required by sub-rule (4) of this rule nor upon a day other than that specified in the notice to be given under that sub-rule.

(4) *Notice.*—Unless the Court otherwise orders, notice of every interlocutory application shall be given to every other party to the suit, appeal or proceeding, who has entered an appearance in it, or to his pleader by delivering to him a copy of the application and of any affidavit supporting it with a written intimation on the copy of the application specifying the day on which the application is to be moved in Court not less than seven days before that day. Every party and every pleader appearing for a party in any suit, appeal or proceeding, in which that party has entered an appearance, shall accept delivery of any copy of an interlocutory application which any other party proposes to make in that suit, appeal or proceeding and of any affidavit in support of such an application, and give a dated acknowledgment in writing or by thumb-impression of its delivery.

(5) *Contents thereof.*—Except where otherwise provided by any law or rule for the time being in force, an interlocutory application shall state only the order prayed for and shall not contain any statement of facts or argumentative matter. Every application in contravention of this rule may be returned for amendment or rejected.

(6) *May be rejected if substantive order is not asked for.*—Every application, which does not pray for a substantive order but prays merely that some other application may be dismissed, and every application for an order which ought to be applied for on the day fixed for the hearing of any suit, appeal or matter, may be rejected.

(7) Any party who wishes to oppose an interlocutory application may file a counter affidavit or affidavits to prove facts on which he relies; but written objections or arguments shall not be filed.

(8) *Proof of facts by affidavit.*—Any facts required to be proved in order to support or oppose an interlocutory application shall, unless otherwise ordered by the Court, be proved by affidavit; but the Judge may in any case direct evidence to be given orally, and thereupon the evidence shall be recorded, and exhibits marked, in the same manner as in a suit, and lists of the witnesses and exhibits shall be prepared and annexed to the order.

II. Alter the title of "Order XXXIX. Temporary Injunctions and Interlocutory Orders" in Schedule I of the Code of Civil Procedure, 1911, as follows:—

"Order XXXIX—Temporary Injunctions and Orders."

III. Remove the two sub-titles "Temporary Injunctions" and "Interlocutory Orders" occurring in Order XXXIX of the said Code.

T. SHAMIENGAR,
Registrar.

IN THE COURT OF THE MUNSIFF AT KOLAR GOLD FIELDS.

Insolvency Application No. 20 *of* 1923-24.

Chittoor Perisami, son of Kandan, Gauge Road Maistry, Nandidroog Mines ... ... *Petitioner.*

vs.

1. Vadivelachari, Money-lender, Oorgaum Village, 2. S. Pokraj, Money-lender, Robertsonpet, 3. P. Alami, Kannadi Shaft, Nandidroog Mines, 4. A. Munisami, Kannadi Shaft, Nandidroog, 5. Kasi Mudaliar, Kannadi Shaft, Nandidroog, 6. Mangalchand, Banker, Robertsonpet, 8. Ratanchand by Agent Jugraj, Robertsonpet, 10. P. Balakrishnan, Parandahalli, Bowringpet Taluk ... ... *Opponents.*

On the application of the petitioner Perisami and on reading the said application and hearing, it is ordered that the order of adjudication dated 20th November 1923, against the petitioner Chittoor Periasami, be and the same is hereby annulled.

Insolvency Application No. 25 *of* 1933-34.

P. Govinda Nair, son of Narayana Nair, Bellman, Bullen Shaft, Robertsonpet ... ... *Petitioner.*

vs.

1. Assignee Rajagopal Setty, Oorgaum Village, 3. D. Venkatesa Setty, by Agent Ramachandra Sastri, Robertsonpet, 7. H. Horrakchand, Bapnah, by Agent Gopal Rao, Robertsonpet, and 8. Kunjanni Nair, Blaster, Champion Reefs ... ... *Opponents.*

On the application of the 1st Creditor Rajagopal Setty, and on reading the said application and hearing, it is ordered that the order of adjudication dated 14th August 1934, against the petitioner P. Govinda Nair, be and the same is hereby annulled.

Insolvency Case No. 43 *of* 1934-35.

Thomas Brass, Auctioner, Oorgaum ... ... *Petitioner.*

vs.

1. Wrenn Bennet & Co., Madras, 2. Co-operative Society, Robertsonpet, 3. Khader Sherief, Furniture Dealer, Bangalore, 4. Mysore Press, Robertsonpet, 5. Mysore Bank, (Branch) Oorgaum, 6. C. Soorajmull, Banker, Robertsonpet .. ... *Opponents.*

On the application of the petitioner adjudged an insolvent on the day of 21st May 1935 and after examining him, it is ordered that the said insolvent be discharged forthwith.

Given under my hand and the seal of this Court, this 21st day of September 1937.

Insolvency Case No. 73 *of* 1936-37.

Chicka Munisami, Barber, Robertsonpet ... ... *Petitioner.*

vs.

1. Narasimhiah, by Agent Ramachandra Sastry, Robertsonpet, 2. Jamdari Krishnappa, by Agent Ramaswamiah, Robertsonpet, 3. Kesarimull, Lalchand, by Agent Rangalal, Robertsonpet ... *Opponents.*

On the application of the petitioner adjudged an insolvent on the 12th day of January 1937 and after examining him, it is ordered that the said insolvent be discharged forthwith.

Given under my hand and the seal of this Court, this 21st day of September 1937.

Insolvency Case No. 157 *of* 1936-37.

H. Michail, son of J. Michail, Turner, Mysore Mines, Marikuppam ... *Petitioner.*

vs.

1. T. S. Ebrahim Saheb, Merchant, Marikuppam, 2. J. M. Dhariwal, Banker, Marikuppam, 3. S. Prathapmull, Banker, Marikuppam, 4. K. S, Chandanmull, Banker, Andersonpet ... *Opponents.*

Pursuant to a petition dated 30th June 1937, against the creditors and on the application of the petitioner and on reading the petition and hearing the creditors, it is ordered that the debtor be and the said debtor is hereby adjudged an insolvent.

Dated this 21st day of September 1937.
Time for discharge—Three years.
For proof of debts—15th February 1938.

Insolvency Application No. 76 of 1932-33.

B. M. Padva, Banksman, Tennant's Shaft, Champion Reefs ... *Petitioner.*

vs.

1. S. Gangaram, Banker, Robertsonpet, 2. B. Seshamull, Banker, Robertsonpet, 3. C. Soorajmull, Banker, Robertsonpet, 4. Sahebchand Lalchand, Robertsonpet, 5. H. R. Jaichand Bapnah, Robertsonpet, and 6. N. Multhanmull Seshamull, Bankers, Andersonpet ... ... *Opponents.*

On the application of insolvent-petitioner of 28th June 1937 and on reading the said application and hearing the opponents, it is ordered that the order of adjudication, dated 20th day of March 1934, against the petitioner be and the same is hereby annulled.

Insolvency Application No. 4 of 1934-35.

Kandasami Modali, 5th Cross Road, Robertsonpet ... ... *Petitioner.*

vs.

1. L. Kundanmull Misrilal by agent Chogalal, Robertsonpet, 2. Sivaraj Singhi by agent S. Amolakchand, Robertsonpet, 3. T. K. Nallangownder by agent Lakshminarasimhiah, Bowringpet ... *Opponents.*

On the application of insolvent-petitioner of 18th May 1937, and on reading the said application and hearing the opponents, it is ordered that the order of adjudication dated the 13th day of November 1934 against the petitioner be and the same is hereby annulled.

Insolvency Case No. 78 of 1936-37.

Mohamad Ebrahim, son of Mohadalli, Robertsonpet, Kolar Gold Fields ... ... *Petitioner.*

vs.

1. S. L. Gangaiah, Banker, Robertsonpet, 2. Dowlatram, Banker, Robertsonpet, and 3. Abdul Kareem Shaib, Foot-wear Dealer, Shoolay, C. & M. Station, Bangalore ... ... *Opponents.*

Pursuant to a petition dated 14th November 1936 against the creditors and on the application the petitioner and on reading the petition and hearing the creditors, it is ordered that the debtor be and the said debtor is hereby adjudged an insolvent.

Dated this 14th day of September 1937.
Time for discharge—one year.
For proof of debts by 1st February 1938.

Insolvency Case No. 140 of 1936-37.

Amirjan, son of Hussainkhan, Bellman, Balghat Mines ... *Petitioner.*

vs.

1. B. Seshamal, Banker, Robertsonpet, 2. Rowji Tarachand, Merchant, Robertsonpet, 3. Lakshmammal, Trade, Oorgaum Village, 4. Manikyam Moodaliar, Cooly Line, Oorgaum Village, 5. Sultanmull, Banker, Robertsonpet, 6. Ramachand, Banker, Robertsonpet, 7. Syed Abdul Sattar, Banker, Oorgaum Village, and 8. Javanmull Chandmull, Bankers, Robertsonpet ... ... *Opponents.*

Pursuant to a petition dated 21st May 1937 against the creditors and on the application of the petitioner, and on reading the petition and hearing the creditors, it is ordered that the debtor be and the said debtor is hereby adjudged an insolvent.

Dated this 14th day of September 1937.
Time for discharge—3 years.
For proof of debts by 8th February 1938.

Insolvency Case No: 141 *of* 1936-37.

J. D. Elias, son of D. Elias, Sink Foreman, Nandidrug Mines ... *Petitioner.*

vs.

1. S. L. Gangiah, Money-lender, Robertsonpet, 2. H. Gissoolal, Money-lender, Robertsonpet, 3. J. Purushotham, Mandy Merchant, Robertsonpet, 4. Multanmull Seshmull, Money-lender, Andersonpet, 5. B. Seshamull, Money-lender, Robertsonpet, 6. S. Lalchand, Money-lender, Robertsonpet, 7. Gajmull Chunilal, Money-lender, Robertsonpet, 8. R. Poosalal, Money-lender, No. 1 Cross Road, Robertsonpet, and 9. D. Bowrilal, Money-lender, Robertsonpet ... ... *Opponents.*

Pursuant to a petition dated 24th May 1937 against the creditors and on the application the petitioner, and on reading the petition and hearing the creditors, it is ordered that the debtor be and the said debtor is hereby adjudged an insolvent.

Dated this 14th day of September 1937.
Time for discharge—Three years.
For proof of debts by 8th February 1938.

Insolvency Case No. 1 *of* 1937-38.

Ariya Gownder, son of Kariya Gownder, Watchman, Oorgaum Mines ... ... *Petitioner.*

vs.

1. S. R. Krishnaswamy Pillai, Oorgaum Mines, 2. D. Palani Gownder, Oorgaum Mines, 3. D. Kaveri Gownder, Oorgaum Mines, 4. Kandasamy Wodayar, Oorgaum Mines, 5. Periyapaiya, Oorgaum Mines, 6. Karapayamma, Tamil Line Oorgaum Mines, 7. P. Doolchand, Robertsonpet, 8. Kesarimull Lalchand, Robertsonpet, and 9. Kesarimull Beekamchand, Robertsonpet ... *Opponents.*

Pursuant to a petition dated 1st July 1937 against the creditors and on the application of the petitioner, and on reading the petition and hearing the creditors, it is ordered that the debtor be and the said debtor is hereby adjudged an insolvent.

Dated this 14th day of September 1937.
Time for discharge—One year.
For proof of debts by 8th February 1938.

M. K. SIVASANKARA RAO,
Munsiff.

IN THE COURT OF THE MUNSIFF AT CHIKBALLAPUR.

Insolvency Application No. 14 *of* 1934-35.

Byrannanavara Byrappa, Chikballapur ... ... *Petitioner.*

vs.

1. Chickkanarasimhiya, 2. P Ramachendraiah, 3. Bank by Venkatachalaiya, 4. Thimmiah, 5. Nanjamma, 6. Bayyamma .. *Opponents.*

As the applicant has not filed the application for final discharge as per orders of the Court, it is ordered that the order of adjudication dated 23rd September 1936, against him, is hereby annulled.

Dated this 23rd day of September 1937.

Insolvency Application No. 3 *of* 1936-37.

Dyavappa, son of Marappa, Chikballapur ... ... *Petitioner.*

vs.

1. Mr. Narayana Rao, Pleader, Chikballapur, 2. Rangamma, 3. Thirupathi Bhatrachar, 4. K. Malliah ... *Opponents.*

As the applicant has not filed the application for final discharge, as per orders of the Court, it is ordered that the order of adjudication, dated 15th January 1937, against him is hereby annulled.

Dated this 23rd day of September 1937.

Insolvency Application No. 10 *of* 1936-37.

Reddeppa, son of Nadipi Venkataramana Reddy, Doddeganahalli, Nandi Hobli, Chikballapur Taluk ... .. *Petitioner.*

vs.

1. T V Naranappa, son of Venkatasamappa, Door No. 140, Seppings Road, Cantonment, Bangalore, 2. Oleti Suryanarayana Setty, 3. B Viswanatha Rao, Pleader, 2 and 3 residents of Chikballapur ... ... *Opponents.*

Pursuant to a petition dated 27th January 1937, against the opponents and on the application of the petitioner and on reading the same and hearing both the parties, it is ordered that the debtor be and the said debtor is hereby adjudged insolvent.

Creditors to prove their debts by 29th October 1937.

Dated this 23rd day of September 1937.

N. SAMAIENGAR,
Munsiff.

IN THE COURT OF THE SUBORDINATE JUDGE AT MYSORE.

Insolvency Case No. 32 *of* 1936-37.

Gulam Hussain Sab ... ... *Petitioner.* (*Insolvent.*)

vs.

R. Narasimha Iyengar ... ... *Opponent.*

Take notice that the abovenamed insolvent has applied at the Court for his discharge, and that the Court has fixed the 25th day of October 1937, at 11 o'clock, for hearing the application.

Dated this 25th day of September 1937.

Insolvency Case No. 37 *of* 1936-37.

Gulam Mohadin ... ... *Petitioner.* (*Insolvent.*)

vs.

Muslim Co-operative Society ... ... *Opponent.* (*Creditor*).

On the application of the petitioner adjudged insolvent on the 15th day of March 1937 and examining him, it is ordered that the said insolvent be discharged forthwith.

Dated this 20th day of September 1937.

Insolvency Application No. 45 *of* 1936-37.

C. Das ... . *Petitioner.* (*Debtor.*)

vs.

Madhuradas and others ... ... *Opponents.*

Pursuant to a petition, dated 4th February 1937, and on the application of the petitioner (debtor), and on reading the application and on examining him, it is ordered that the debtor be and the said debtor is hereby adjudged insolvent.

Dated this 20th day of September 1937.

Time for discharge—One year.

Debts to be proved by 1st November 1937.

Insolvency Application No. 67 *of* 1936-37.

Kaliah ... ... *Petitioner.* (*Debtor*).

vs.

G. R. Joshyar and others ... ... *Opponents.*

Pursuant to a petition, dated 7th June 1937, and on the application of the petitioner (debtor), and on reading the application and on examining him, it is ordered that the debtor be and the said debtor is hereby adjudged insolvent.

Dated this 20th day of September 1937.

Time for discharge—One year.

Debts to be proved by 8th November 1937.

Insolvency Application No. 2 of 1937-38.

Madegowda *alias* Kontha Madegowda ... .. *Petitioner (Debtor).*

vs.

Puttegowda and others ... . *Opponents.*

Pursuant to a petition dated 9th July 1937, and on the application of the petitioner (debtor), and on reading the application and on examining him, it is ordered that the debtor be and the said debtor is hereby adjudged insolvent.

Dated this 20th day of September 1937.
Time for discharge—One year.
Debts to be proved by 8th November 1937.

Insolvency Application No. 3 of 1937-38.

B. N. Ugrappa ... ... *Petitioner (Debtor.)*

vs.

Hanumanthappa and others ... ... *Opponents.*

Pursuant to a petition dated 12th July 1937, and on the application of the petitioner (debtor), and on reading the application and on examining him it is ordered that the debtor be and the said debtor is hereby adjudged insolvent.

Dated this 20th day of September 1937.
Time for discharge—Two years.
Debts to be proved by 8th November 1937.
Petitioner to deposit Rs. 7 every month into Court.

S. KRISHNAMOORTI,
Subordinate Judge.

IN THE COURT OF THE MUNSIFF AT HASSAN.

Insolvency No. 5 of 1935-36.

N. D. Srikantiah, son of Venkataramanaiah, resident of Saklespur ... *Applicant.*

As the applicant failed to apply for discharge within the time allowed, it is ordered that the order of adjudication dated 21st August 1936, be and the same is hereby annulled.

Dated this 22nd day of September 1937.

M. R. SUNDARA RAO,
Munsiff.

BANGALORE DISTRICT.

Notification No. J1. 1553—36-37, dated 23rd September 1937.

It is hereby notified that the undermentioned Honorary Magistrates, will constitute the Benches of Magistrates, for the disposal of criminal cases arising in the places noted below during the months of October, November and December 1937.

The Magistrates constituting the Benches at present may sit beyond their terms and dispose of the cases, if any, in which they may have framed charges against the accused, provided their term as Honorary Magistrates has not expired.

A.—Bangalore City.

Messrs.—
1 N Venkata Rao, Chairman
2 Abdul Jabbar, Colleague
3 B M Muniswamappa, Colleague

B.—Devanhalli.

Messrs.—
1 B Bhagavantha Rao, Chairman
2 Yejaman Chennappa, Colleague
3 D S Suryanarayana Rao, Colleague

C.—Nelamangala.

Messrs.—
1 The Sub-Registrar, Chairman
2 Channappa, Colleague
3 Settara Gubbiappa, Colleague

D.—Hoskote.

Messrs.—
1 G Abdul Sattar, Chairman
2 Guruswami Gowda, Colleague
3 Suryanaranappa, Colleague

H. V. RAMASVAMI,
District Magistrate.